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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,376	03/14/2001	Jake Hill	36-1578	1537
23117	7590	02/07/2007	EXAMINER	
NIXON & VANDERHYE, PC 901 NQRTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			TRUONG, THANHNGA B	
			ART UNIT	PAPER NUMBER
			2135	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/07/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/805,376	HILL ET AL.
	Examiner Thanhnga B. Truong	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 9-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Thanhnga B. Truong  
A12135*

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the communication filed on December 11, 2006. Claims 1-24 are pending. At this time, claims 1-8 are rejected.

#### ***Election/Restrictions***

2. Applicant's election with traverse of **Species 1** in the reply filed on December 11, 2006 is acknowledged.

Claims 9-24 are withdrawn by the applicant from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species 2 and species 3. Election was made with traverse in the reply filed on December 11, 2006. This is not found persuasive because each of the various disclosed species details a mutual exclusive characteristic of:

Species 1 is drawn to "a computer/network interface device taking the form of a Network Interface Card (NIC)."

Species 2 is drawn to "a flowchart indicating a method steps according to the interface device."

Species 3 is drawn to "a host/network interface apparatus wherein the Network Interface Card (NIC) plugging in to a host port conforming to the Peripheral Component Interconnect (PCI) standard."

These above individual species act as evidenced by the representation of each various species with a different figure or set of figures.

A search for one of these mutually exclusive characteristics is not coextensive with a search for the other mutually exclusive characteristics and therefore searching for all mutually exclusive characteristics could not be done without serious burden. The requirement is still deemed proper and is therefore made FINAL.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hair (US 6,615,349 B1).

a. Referring to claim 1:

i. Hair teaches a computer/network interface device, comprising:

(1) a first external hardware interface for connection to external hardware, said first interface being physically disposed in said device for receiving data from a first zone in a first zone data format (**column 13, lines 20-24 of Hair**);

(2) means disposed within said device for processing said received data through performance of a cryptographic operation on at least a portion thereof (**column 13, lines 55-65 of Hair**);

(3) a second external hardware interface for connection to external hardware, said second interface being disposed in said device for sending said processed data to a second zone in a second zone data format (**column 13, lines 25-29 of Hair**); and

(4) one of said interfaces being connectable to a host computer system (**see Figure 1a, element 20 and element 10; and column 12, lines 63-66 of Hair**); and

(5) mean disposed within said device arranged to pass said processed data exclusively from said processing means to said second external hardware interface within said device (**column 13, lines 55-65 of Hair**).

b. Referring to claim 2:

i. Hair further teaches:

(1) means disposed within said device arranged to convert said received data in said first zone data format into at least one data format other than said first zone data format prior to said data processing (**column 22, lines 25-31 of Hair**).

c. Referring to claim 3:

i. Hair further teaches:

(1) means disposed within said device arranged to transform the data format of said received data from said first zone at least twice prior to said data processing (**column 22, lines 25-31 of Hair**).

d. Referring to claim 8:

i. This claim has limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

ii. In addition, Hair further teaches:

(1) wherein said operation performed by said processing means is such that if said sent processed data is intercepted by an unauthorized party, the recovery of said received data from said process data is computationally unfeasible (**column 5, lines 3-27 of Hair**).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hair (US 6,615,349 B1), and further in view of Bruell et al (US 5,680,585).

a. Referring to claim 4:

i. Hair teaches:

(1) means disposed within said device for reading at least one item of identification data from each packet; wherein said processing means is

arranged to process each respective packet in dependence on each corresponding item of identification data (**column 22, lines 25-31 of Hair**).

ii. Hair teaches a computer/network interface device with said first zone data format. However, Hair is silent on the capability of showing the first zone data format is packetized data. On the other hand, Bruell teaches the data format is packetized data (**column 2, lines 19-35 of Bruell**).

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Hair with the teaching of Bruell for defining network data packet format for use by data network communication devices (**column 1, lines 8-9 of Bruell**).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Hair with the teaching of Bruell to design for efficiently and flexibly representing data packet formats (**column 2, lines 6-7 of Bruell**).

b. Referring to claim 5:

i. The combination of teaching between Hair and Bruell teach the computer/network interface device. Bruell further teaches:

(1) a store located within said device for storing one or more rules, each rule being linked with at least one of item of identification data; wherein said processing means is arranged to process each packet in dependence upon the rule linked with the corresponding item(s) of identification data (**column 4, lines 7-33 of Bruell**).

c. Referring to claim 6:

i. Hair further teaches:

(1) wherein one of the first and second external hardware interfaces is suitable for connection to said host such that the data format utilized by such a connected interface is one utilized by the host (**column 13, lines 20-24; column 13, lines 25-29 of Hair**).

d. Referring to claim 7:

i. The combination of teaching between Hair and Bruell teach the computer/network interface device. Hair and Bruell further teaches:

(1) wherein one of the first and second external hardware interfaces is suitable for connection to said host such that the data format utilized by such a connected external hardware interface is one utilized by the host in which (**column 13, lines 20-24; column 13, lines 25-29 of Hair**), in response to receiving at least one control packet including at least an item of control identification data and control instructions through the other external hardware interface which is not connected to the host and reading said item of control identification data from a control packet (**column 21, line 67 through column 22, lines 1-34 of Hair**), said processing means is arranged to change said rules in said store in dependence upon said corresponding control instructions (**column 4, lines 7-33 of Bruell**).

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Frailong et al (US 6,496,858 B1) discloses a initializing and reconfiguring a network interface device connecting a client computer system to an external network (see abstract), which also read on to claims 1 and 8 of the instant application.

b. Weng et al (US 6,931,551 B2) disclose a method and system for data encryption/decryption in client-server architecture, In the invention, channel data is differentiated into a plurality of channels. The data encryption/decryption system comprises a service system and a client system. The service system is used for transmitting encrypted channels and the client system is used for receiving encrypted channels (see abstract).

c. Takahashi et al (US 4,837,812) disclose a facsimile machine including a data processing system for processing data to be transmitted and received data according to a predetermined manner, which system typically comprises a MODEM, a buffer and a CODEC. The facsimile machine includes two or more interface units dedicated for performing a wire communication function for communicating image

data in a wire communication mode using a telephone network and a radio communication function for communicating image data in a radio or wireless communication mode using radio waves (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

TBT

January 26, 2007

*Thanhnga B. Truong*

AU2135